

"Tolerance--the Delicate Balance"

These words on tolerance are totally non-political, and yet it is a sign of the charged atmosphere and the high degree of nervous tension that prevails in both Israel and America, that the very topic is immediately interpreted as a partisan statement--which, of course, it is not. The theme as such is germane both to the Israeli and to the American scenes. And if it was occasioned by the most intolerant act in recent Jewish history, namely, the assassination of Prime Minister Yitzhak Rabin and the unfortunate reactions to that macabre event, it applies as well to much of the discourse that characterizes what passes for the internal dialogues in both our communities.

As a result of the assassination, I appointed a group of scholars and educators, mostly from Yeshiva University faculties but from elsewhere as well, to constitute a Commission on Judaism and Human Values, to study and report on the sources in Judaism on the themes of tolerance, democracy, and the ethics of dissent. I asked that there be no apologetics. The presumption is that our sacred literature speaks in more than one voice, and that while all views be recorded, special attention be paid to those which speak most directly and relevantly to our situation. That commission has been assiduously at work, and its final report will, I expect, prove be a major contribution to elucidating an authentic Jewish view that can help us resolve our dangerous dilemmas. The present treatment of the subject does not at all pretend to be exhaustive; it is not systematic, and is but a preliminary effort to sketch some ideas on the attitudes to tolerance in the various sources of Judaism.

The British historian Toynbee maintained that Judaism, as the advocate of monotheism, was intolerant; its single-minded rejection of idolatry left it with little patience for other forms of worship. Was he right?

Yes, partially. For at the outset it should be made clear that tolerance is not an absolute. There are things and ideas that are intolerable to any decent, civilized person. And therefore, there are examples aplenty of intolerant attitudes in Torah: the three cardinal sins--idolatry, immorality, and murder--are good examples as are gossip, talebearing, and libel. Nor, in contemporary life, should we tolerate in our midst terrorists, rapists, public nudity, drug-pushers, and muggers. Unlimited tolerance betrays intellectual cowardice, and is an invitation to social collapse and the deterioration of all standards.

Writing from a "secular and scientific" point of view, Barrington Moore Jr. avers that such an outlook "leads neither to flaccid acceptance of the world as it is, watery toleration of every doctrine because there might be some contribution somewhere, nor to the fanatical single-mindedness of the doctrinaire, willing that a thousand may perish in order that one shall be saved" (*A Critique of Pure Tolerance*, by Wolff, Moore, and Marcuse [Boston: Beacon Press, 1965]).

But this holds equally true for a Jewish view of tolerance, which comes to a similar conclusion from an entirely different route. The Biblical aversion to idolatry as well as to certain acts of sexual immorality it classifies as *to'evah* (abominations), clearly shows its stand on principle and its refusal to dilute such a "visceral" commitment. At the same time, man, created in the image of God, must reflect the character of the Creator who forbears His creatures' foibles, tolerating their folly and their rebelliousness. As R. Elijah de Vidas avers in his classic *Reshit Chokhmah*, God tolerates the sinner *even at the very moment* of his rebellion by continuing to grant him the gift of life. Hence, to be tolerant is divine.

Similarly, an American philosopher (W.V. Quine, *Quiddities*, pp. 206-210) has written of a "delicate balance of tolerance." Thus, there must obviously be restraints on terrorism and violence, yet they must not be so excessive as to constitute a total restraint of freedom of expression and a disregard for due process. So it is with regard to all similar issues where tolerance comes into conflict with issues of security of life and limb or the very foundations of a society. We are morally responsible to make serious value judgments every day in order to maintain the proper and "delicate balance of tolerance."

Because the balance is so delicate, it is presumptuous to offer in advance clear direction which will apply to all cases that come before us. The most one can hope for is the construction of a few guide-lines as each case is examined on its own merits, with the understanding that we must try for the best accommodation of both conflicting theses.

An indirect reference to such a "balance of tolerance" may be found in the comment of Rashi to the passage (Nu. 27:15-23) which speaks of the transfer of leadership from Moses to Joshua. "And Moses spoke unto the Lord, saying, Let the Lord, the God of the spirits of all flesh, set a man over the congregation who may go out before them and come in before them...that the congregation of the Lord not be as sheep which have no shepherd." On this Rashi (v. 15) comments (the Midrashic source is Nu.R. 21:2):

"The God of the spirits of all flesh"--why is this said [in the plural]? For Moses said to Him: "O Master of the World, the opinion of each and every one is known to Thee, and they are unlike each other. Therefore, appoint a leader over them who will be able to tolerate the views of each one of them"

Moses, according to this interpretation, recognizes that he has been a harsh disciplinarian as a leader, impatient and even intolerant of his people's foibles, and he pleads for a successor of milder and more forgiving and tolerant disposition. "And the Lord said unto Moses, Take thee Joshua the son of Nun, a man in whom is spirit, and lay thy hand upon him..." Here Rashi (v. 18), noting the change from the plural ("spirits") to the singular ("spirit"), comments: "As you asked--one who can go against the spirit of each and every one." The guarded and finely nuanced divine reply to this request is the appointment of Joshua--who, however, is commended not for his unlimited tolerance, but for the ability to address himself and if necessary to override the individual opinions of an opinionated constituency.

Hence, tolerance is necessary for successful and effective leadership--but within limits.

A similar thought is expressed in practical, halakhic terms, in the Talmud (*Ber.* 58a): One who sees crowds of Jews must recite the blessing, "Blessed is He who [wisely] discerns secrets," for the mind of each is different from that of the other just as the face of each different from that of the other. It is taken for granted that Jews are opinionated and feel strongly about their views, and yet they are accepted in all their diversity by a wise and benevolent Deity--and that requires that we offer Him a blessing.

Paradoxically, such tolerance is all the more meaningful the more zealously one advocates his views. If one believes in something wholeheartedly, even to the extent that he is willing to die for it, and still accepts that the other fellow is permitted to follow his own ideas and live by them--*that* is tolerance. True tolerance is that which is in tension with deeply cherished principles. If one is unsure of his own principles, and feels that the contrary values are as likely to be correct as his own, and therefore is kindly disposed to any views on the subject, he may be commendably "open-minded," but he betrays a lack of principle, and such indifference should not be confused with tolerance. Such forbearance is more often a case of a rubber spine. William Buckley Jr. once wrote, "How can a relativist exercise tolerance if he doesn't believe in anything to begin with? It's not hard to exhibit toleration towards a point of view if you have no point of view of your own with which that point of view conflicts."

It is perhaps best to discuss the negative before the positive, i.e., the nature of intolerance before proceeding with an analysis of tolerance.

There are many reasons for intolerance--diffidence, over-confidence or, more charitably, genuine devotion to principle. But whatever the motive, intolerance usually leads to enmity--to raw, baseless hatred, what in Hebrew is called *sinat chinam*.

The Talmud (*Yoma* 9b) attributes the destruction of the Second Temple to this *sinat chinam*.

Why was the First Temple destroyed? For three things that were then prevalent: idolatry, immorality, and bloodshed. But the Second Temple, when people were occupied in the study of Torah and the performance of the commandments and doing good deeds, why was it destroyed? Because of baseless hatred (*sinat chinam*). This teaches you that *sinat chinam* is as severe as the study of Torah and the performance of the commandments and doing good deeds.

We learn from this passage two lessons; first, that *sinat chinam* is as reprehensible as all three major sins put together--quite a condemnation of baseless intolerance! And second: apparently--and surprisingly--not only can one practice the study of Torah and the performance of the commandments and still be infected with *sinat chinam*, itself a shocking phenomenon, but he can even be a person who does good deeds and still be a hating

person! One can extend material help to his opponent, yet if he detests him and ridicules him and prevents him from expressing himself, he is guilty of the equivalent of the three vilest sins known to man. We are, therefore, dealing with a fundamental psychic reality that is deeper and underlies and undergirds that of action and behavior.

Lest the Talmud's rejection of *sinat chinam* and the intolerance associated with it seem hyperbolic, let us suggest briefly why that is not so. First, idolatry is the ultimate example of arrogance: the worship of an idol is but the practical, fetishistic expression of a skewed world-view, in which God is displaced from the center of one's aspirations and values, and man sets himself up as the idol he must worship. (Someone once referred to this as the Copernican view: I am at the center of the universe and all else revolves around me like planets about the sun.)

Immorality (of the serious kind, such as adultery or incest) reflects a deliberate ignorance of the consequences of one's act. And bloodshed, because the intolerant, hating person is blind to the hurt and harm he may thereby cause to others.

With this in mind, let us offer several (positive) examples of tolerance from the sources of Judaism.

The first is the halakhic instance on tolerance for the individual sinner. The Talmud (*Kiddushin* 49b) considers a case of a conditional proposal of marriage: If a man utters the marriage formula as he gives an object of worth such as a ring to his potential bride and adds, "on condition that I am a *tzaddik*," a person of unblemished righteousness, then even if he is a *rasha gamur*, an utterly wicked man, nevertheless we consider the marriage valid (or at least a case of doubtful marriage, thus requiring a divorce for its dissolution; such is the decision of Maimonides). The reason?--at that moment he may have entertained the desire to repent... Even such a transitory but noble possibility is enough for us to consider the *rasha* as righteous and thus validate the marriage.

These grounds for tolerance for an individual transgressor are in consonance with the teachings of the Mishnah (*Avot* 1:6) that one must judge his fellow man charitably, i.e., if two interpretations of another's action are possible, we must choose the one more favorable to him.

I am reminded, in this context, of the statement attributed to R. Leb, the *mokhiach* [preacher] of Pressburg, that the difference between a "complete *tzaddik*" and an "incomplete" one, is that the latter can bring himself to love only an "incomplete *rasha*," whereas the completely righteous person can love even a completely wicked one...

A second illustration is a remarkable example of tolerance, even for idolatry, that comes to us from the Zohar (I 164b), source-book of the Kabbalah. When Jacob and his wives, Rachel and Leah, leave their father Laban, Rachel steals her father's *teraphim*, his household idols (Gen. 31:19). Normally, we consider this a commendable act for the monotheistic daughter to prevent her pagan father from worshiping idols. However, the

Zohar comments otherwise: Even though Rachel endeavored to prevent her father from worshipping idols, she was punished by dying in child-birth. She was not to raise her child Benjamin, not even to be with him for a single hour--because of the pain she caused her father, despite her good intentions. While this apparently is a question of filial respect, it goes beyond that and reveals a sense of tolerance even for the despised idolater.

Our third illustration reveals a similar degree of sensitivity. It consists of a nice insight by R. Yaakov Moshe Charlop (in his *Mei Marom to Va-era*) on the verse (Exodus 8:22), "And Pharaoh called for Moses and for Aaron, and said, Go sacrifice to your God in the land. And Moses said, it is not meet for us to do so, for we shall sacrifice the abomination (i.e., the pagan god) of the Egyptians to the Lord our God. Lo, if we sacrifice the abomination of the Egyptians before their very eyes, will they not stone us?" The plain meaning of the text is that Pharaoh, yielding to pressure, tells Moses and Aaron to go out into the hinterland and sacrifice to the Lord, but Moses demurs because he fears the reaction of the Egyptian populace to the brazen act of the Hebrews killing animals which they, the Egyptians, worshiped as gods. Now, this is troublesome, because Pharaoh was a totalitarian autocrat with the full power and might of Egypt behind him--which Egyptian would dare defy his instructions? Rabbi Charlop therefore points to a fine distinction in the Aramaic translation by Onkelos. Instead of a direct translation of the Hebrew *ve'lo yiskelumu*, , "will they not stone us?," the Aramaic reads, *ve'lo yemrun le'mirgemana*, "will they not *wish* to stone us?" This slight variation in the translation indicates that for Onkelos, Moses and Aaron were not afraid of being stoned--as mentioned, they needn't fear popular retribution in the face of Pharaoh's power--but refused to act in a manner that would make the Egyptians *want* to stone them. In a words, they were sensitive to the religious scruples of the pagan, idolatrous hordes--surely a remarkable case of toleration!

What is the philosophic underpinning of tolerance?

The famed R. Isaiah Halevi Horowitz, the 16-17th century author of the *Shenei Luchot ha-Berit* (and thus known by the acronym of his work, the *Shelah*), maintains that even idols themselves possess a degree of sanctity--a bold idea!--because of the very fact that they are mentioned in Scripture. The idea is later taken up by Rav Kook who teaches that the idea that nothing can exist in the world without the divine spark to sustain it holds true for *ideas* as well. Without a kernel of truth, the idea would collapse into nothingness. So, even fascism has a spark of truth--nationalism--though horribly distorted. This makes room for a large degree of tolerance.

Tolerance is exceedingly difficult for religious folk, whose ideals are rooted in the transcendent and are considered as divinely ordained and therefore beyond compromise. What, for people of genuine religious commitment, is the proper posture in discussing religious issues with someone who does not share their point of view?

The following remarkable passage comes from the *Be'er ha-Golah* (*Be'er ha-Shevii*, p. 151) of R. Loew of Prague, popularly known as the Maharal, some two and one half centuries ago:

For the love of [objective] research and knowledge, it is advisable that one should not reject anything that contradicts his view. This holds especially true for [one's interlocutor] who does not intend to provoke him but to [honestly] declare his beliefs. Even if these are counter to our beliefs and our religion, it is not proper to say to him, "Speak not, say nothing," for by doing so there will result no clarification of religious beliefs. On the contrary, [one should say,] "speak up...as much as you wish..." For if one prevents the other from speaking, he thereby reveals the weakness of [his own] religious position... Such is the proper manner in which to establish the truth: to hear their arguments which they hold [truthfully] and not merely to provoke. Therefore it is not right to dismiss the words of one's opponent, but to draw him close and look [carefully] into his words.

This approach of the Maharal leads me to agree with a contemporary Israeli thinker: (Prof. Dov Rappel, in *Machanayim* 5) that tolerance is not just a pragmatic compromise, a necessary evil, but a value in and of itself. It makes freedom of speech and criticism possible, and such criticism helps one to uncover errors and weak points in his own thinking and thus contributes to his welfare. It causes each to engage in the kind of self-criticism that can make it stronger and more appealing in the "market place of ideas."

Probably the most eloquent and forceful expression of Torah tolerance is that by the Netziv (acronym of R. Naftali Tzevi Yehudah Berlin, head of the famed Yeshiva of Volozhin) in the Introduction to Genesis in his commentary on the Torah, *Haamek Davar*:

The people of the Second Temple were righteous and pious and labored in [the study of] Torah. However, they were not "straight" in worldly matters. Because of the baseless enmity in their hearts, they suspected of heresy anyone whom they observed who did not conduct himself according to their view of the fear of God. This resulted in bloodshed, in every kind of evil, such that the Temple was destroyed [because of it]; for the Holy One is "straight" and does not tolerate such "righteous ones." [He favors] those who go on the "straight" path in worldly matters as well, not in devious ways, even if they be "for the sake of Heaven," for [such conduct] causes the destruction of the creation and the desolation of civilization.

These words of the Netziv are in the spirit of his predecessor as head of the yeshiva of Volozhin. R. Hayyim of Volozhin, founder of the yeshiva, writes in a letter (probably to a grandson) that "by means of tolerance a man can achieve much more than through any assaults in the world."

It is worth citing the words of another distinguished Talmudist, R. Yechezkel Michel Epstein of Navardok, Lithuania, at the beginning of the twentieth century, in the introduction to his halakhic code, *Arokh ha-Shulchan* (*Choshen Mishpat*):

All the controversies amongst the Tannaim and the Amoraim, the Geonim and the Poskim [decisors], uttered in truth and in the effort to understand matters in a fundamental manner, are "the words of the living God." All of them have a place in Halakha. Moreover, that is the beauty of our holy and pure Torah, for all of Torah is called *shirah* (a song; see Deut. 31:19) and the beauty of a song lies in the variety of different sounds. This is the essence of its pleasantness.

And, in our own days, my late, revered teacher, Rabbi Joseph B. Soloveitchik (*Divrei Hashkafah*, p. 45f.) interprets the honorific name of our people, *Knesset Yisrael*, as implying a gathering of many views and types, and attributes this to the Patriarch Jacob and to Moses:

Judaism includes many contraries gathered together and unified in the form of *Knesset Yisrael*, in which all the unique and varied qualities of the children of Jacob, the House of Jacob, attain unity and harmony, despite their apparent irreconcilability. The final product of this process is, as the Ramban put it, that *Knesset Yisrael* denotes the ingathering of all...all attributes and all qualities, including those which often seem mutually contradictory.

How do we today measure up to the high standards set for us by the above luminaries? Let us be honest: despite the relatively excellent Jewish record regarding persecution and oppression, there is a not insignificant tradition of violence in our otherwise pacific history. And this was true even before Rabin's murder by a political dissident and nationalist fanatic. And we Orthodox Jews are not immune to it. There is a lesson in all this for us in the various segments of the Orthodox community as well --we are too intolerant of each other! Rabin's ghost will spook us--all of us--for a long, long time.

But the most urgent need for tolerance is in the great divide that threatens Israel today--in the Diaspora too, but the State even more: the rift between religious and secular. Heretofore, we religious Jews bore most of the burden of extremism. Now the embarrassment is shared; now there has grown up a vicious group of secular fundamentalists who are the secular equivalents of our own religious and nationalist extremists. Here we have a clash of two passionate, hot-headed, intolerant, self-confident groups who agree only on the essentials of mutual demonization, on substituting demonstrations for dialogue and barricades for brotherliness. Meanwhile, the rest of us are in peril of being sucked into this radicalization of our people and of falling into the abyss created by such fragmentation. *This must not be allowed to happen.*

Before it is too late, before the lunatics take over the asylum, the moderates on both sides --the sane ones, the normal ones--must meet and create a *berit shel achvah*, a Covenant of Fraternity. Moderates, usually passive observers, must now become proactive, and together work out a *modus vivendi* so that tolerance will replace arrogance and terror as the coin of the realm. This is not only *possible*; it is absolutely, vitally *necessary*. Moderates, both religious and secular, must together plan for meeting the minimum needs

of each side in a rational manner, create an *amanah shel sovlanut*, a Treaty of Tolerance, that will bind the wounds that are draining pus into our national blood-stream.

Let there be founded a "Blue Ribbon" group of recognized leaders of all segments of the society in Israel, people of undisputed prestige in the eyes of their own followers, who are at the same time people of rationality and toleration, who acknowledge that the time has come to prevent the looming tragedy of fragmentation from taking place, and let them decide each case on its merits: may such conduct be tolerated or should it be declared out of bounds? Give this group no legal standing, but let it prevail by its moral force alone.

I know the idea sounds utopian, but a beginning must be made. The idea should be fleshed out, and the attempt undertaken before it is too late, before the balance of broad tolerance and firm principle is permanently disrupted, before the wounds become fatal, before both the intolerance and the intolerable become tolerated--*Heaven forbid*.